

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CLEARBROOK, an Illinois corporation,)
v.)
Plaintiff,)
ROOFLIFTERS, LLC; ROOFLIFTERS HOLDING) Case No. 08 CV 3276
CORP.; ROOFLIFTERS EQUIPMENT LLC;) Judge Kocoras
ROOFLIFTERS GENERAL CONTRACTING LLC;) Magistrate Judge Cox
and JOHN DOES 1-10,)
Defendants.)

**DEFENDANTS ROOFLIFTERS, LLC; ROOFLIFTERS HOLDING CORP.;
ROOFLIFTERS EQUIPMENT, LLC MOTION TO DISMISS
COUNTS II AND III OF PLAINTIFF'S CLASS ACTION COMPLAINT**

Defendants, Rooflifters, LLC; Rooflifters Holding Corp.; Rooflifters Equipment LLC; Rooflifters General Contracting, LLC (“Rooflifters”), by their attorneys, pursuant to Fed.R.Civ.P 12(b)(6), hereby move for dismissal of Counts II and III of Plaintiff Clearbrook’s Class Action Complaint with prejudice. In support of their motion, Rooflifters submit herewith the attached memorandum of law.

WHEREFORE, Defendants, Rooflifters, respectfully request entry of an Order dismissing Counts II and III of Plaintiff, Clearbrook's Class Action Complaint with prejudice, and for any further relief this Court deems just and appropriate.

Date: July 7, 2008

ROOFLIFTERS, LLC; ROOFLIFTERS HOLDING CORP.; ROOFLIFTERS EQUIPMENT LLC; ROOFLIFTERS GENERAL CONTRACTING LLC; Defendant,

By: /s/ Stephanie W. Tipton
One of Its Attorneys

Alan I. Becker (00147524)
Stephanie W. Tipton (06270738)
Erin A. Potempa (06283772)
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PROOF OF SERVICE

I, Stephanie W. Tipton, an attorney, hereby certify that the Defendants Rooflifters, LLC; Rooflifters Holding Corp.; Rooflifters Equipment, LLC Motion To Dismiss Counts II And III Of Plaintiff's Class Action Complaint was served on the following:

Daniel A. Edelman
Cathleen M. Combs
James A. Latturner
Tara Goodwin
Julie Clark
Edelman, Combs, Latturner & Goodwin, LLC
120 S. LaSalle St., 18th Fl.
Chicago, IL 60603

via electronic service and by depositing same in the U.S. Mail Chute at 303 West Madison Street, Chicago, Illinois, 60606 on July 7, 2008, before 5:00 p.m., with proper postage prepaid.

/s/Stephanie W. Tipton

**IN THE UNITED STATES DISTRICT COURT
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CLEARBROOK, an Illinois corporation,)
Plaintiff,)
v.) Case No. 08 CV 3276
ROOFLIFTERS, LLC; ROOFLIFTERS HOLDING)
CORP.; ROOFLIFTERS EQUIPMENT LLC;)
ROOFLIFTERS GENERAL CONTRACTING)
LLC; and JOHN DOES 1-10,)
Defendants.)

NOTICE OF FILING

To: Daniel A. Edelman
Cathleen M. Combs
James A. Latt Turner
Tara Goodwin
Julie Clark
Edelman, Combs, Latt Turner & Goodwin, LLC
120 S. LaSalle St., 18th Fl.
Chicago, IL 60603

Please take notice that on July 7, 2008, the undersigned filed with the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, Defendants' Motion to Dismiss Counts II and III of Plaintiff's Class Action Complaint, Defendants' Memorandum In Support of Its Motion to Dismiss Counts II and III of Plaintiff's Class Action Complaint and Defendants' Answer to Complaint – Class Action, true and correct copies of which is attached hereto and hereby served upon you.

Dated July 7, 2008

Respectfully submitted,

ROOFLIFTERS, LLC; ROOFLIFTERS HOLDING CORP.; ROOFLIFTERS EQUIPMENT LLC; ROOFLIFTERS GENERAL CONTRACTING LLC,
Defendant

By: /s/ Stephanie W. Tipton
One of Its Attorneys

CERTIFICATE OF SERVICE

I, Stephanie W. Tipton, an attorney, under oath, certify that I served a copy of Defendants' Motion to Dismiss Counts II and III of Plaintiff's Class Action Complaint, Defendants' Memorandum In Support of Its Motion to Dismiss Counts II and III of Plaintiff's Class Action Complaint and Defendants' Answer to Complaint – Class Action upon:

Daniel A. Edelman
Cathleen M. Combs
James A. Lattner
Tara Goodwin
Julie Clark
Edelman, Combs, Lattner & Goodwin, LLC
120 S. LaSalle St., 18th Fl.
Chicago, IL 60603

by electronic filing and causing copies of the same to be placed in U.S. mail, postage pre-paid this 7th day of July, 2008

/s/ Stephanie W. Tipton
Stephanie W. Tipton

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